

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEBORAH SELMAN,)	CASE NO. 1:13CV2556
Plaintiff,)	
v.)	JUDGE BENITA Y. PEARSON
CAROLYN W. COLVIN,)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY,)	<u>MEMORANDUM OF OPINION</u>
Defendant.)	<u>AND ORDER</u>
)	[Resolving ECF No. 23]

Pending is the Motion for Attorney's Fees Pursuant to [42 U.S.C. § 406\(b\)\(1\)](#) of Marcia W. Margolius, counsel for Plaintiff ([ECF No. 23](#)). Counsel moves the Court for an order authorizing payment of a fee in the amount of \$5,757.50. The Court has reviewed the memorandum in support and attachments thereto, and the Commissioner's Response ([ECF No. 24](#)) which states that the Commissioner does not object to the motion.

The Motion for Attorney's Fees Pursuant to [42 U.S.C. § 406\(b\)\(1\)](#) of Marcia W. Margolius, counsel for Plaintiff ([ECF No. 23](#)) is granted. The Court hereby authorizes payment of a fee in the amount of \$5,757.50. These fees are for court time only and are in addition to any other administrative fees that the Commissioner may grant under [42 U.S.C. § 406\(a\)](#). The Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#), fees in the amount of \$3,300.00 shall be refunded by Plaintiff's Counsel to Plaintiff forthwith. [*Gisbrecht v. Barnhart*, 535 U.S. 789, 796](#)

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[\(2002\)](#) (if an attorney is awarded fees pursuant to both statutes, that attorney must “refun[d] to the claimant the amount of the smaller fee”).¹

IT IS SO ORDERED.

May 9, 2016

Date

/s/ Benita Y. Pearson

Benita Y. Pearson

United States District Judge

¹ Plaintiff has submitted two requests for attorney’s fees. See ECF Nos. [20](#) and [24](#). Plaintiff’s counsel is entitled to attorney’s fees both pursuant to the EAJA and [42 U.S.C. § 406\(b\)](#). [Jankovich v. Bowen](#), [868 F.2d 867, 871 n. 1 \(6th Cir. 1989\)](#). The Court previously awarded EAJA fees to Plaintiff’s Counsel. See [ECF No. 22](#).